

COPY

5/891-1-21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 5,216,167

Issued: June 1, 1993

Inventor: Grell et al.

For: PHENYLACETIC ACID BENZYLAMIDES



Attorney Docket No.

**REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 37 C.F.R. §§ 1.322 and 1.323**

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

The patentee hereby respectfully requests the issuance of a Certificate of Correction to correct the filing date which appears on the face of the above-identified patent for application Serial No. 495,820, the application from which the above-identified patent issued. Contrary to the face of the patent, Application Serial No. 495,820 was filed on March 19, 1990. However, the face of the above-identified patent shows an incorrect filing date of June 21, 1990. As more fully described below, this error is believed to be an error, or caused by an error, on the part of the Patent and Trademark Office ("PTO"). In sum, a timely filed and sufficient Petition requesting that the filing date of March 19, 1990 be accorded to Application Serial No. 495,820 was never acted upon by the PTO during the prosecution of the application in question, despite the burden on the PTO to act on such timely filed petitions. Accordingly, correction of this error is requested under 35 U.S.C. 254 and 37 C.F.R. § 1.322.

Please note that two copies of form PTO-1050, which lists the correct filing date, March 19, 1990, are included with this Request, as well as provisions for any required fees.

REMARKS

The patentee has set forth below the relevant facts as to how the error occurred and the basis for its correction by Certificate of Correction.

I. The PTO Erred In Failing To Decide The Filing Date Petition

The '167 patent¹ issued from application Serial No. 495,820, which is a continuation of Serial No. 302,022, filed January 25, 1989, now abandoned.²

During the prosecution of Serial No. 302,022, on September 19, 1989, an Office Action was mailed by the PTO. In lieu of filing a response to the September 19, 1989 Office Action, Applicants timely filed, on March 19, 1990, a Petition to extend the time for response three months and a continuation application under 37 C.F.R. § 1.60. This Rule 60 continuation application was assigned Serial No. 495,820 ("the '820 application"). According to the provisions of 37 C.F.R. § 1.60 which were in effect on March 19, 1990:

¹ On October 7, 1997, a reissue application was filed in connection with the '167 patent on grounds unrelated to the present Request for Certificate of Correction.

² Application 302,022 is a continuation-in-part of Serial No. 878,921, filed June 26, 1986, now abandoned, and a continuation-in-part of Serial No. 872,706, filed June 10, 1986, now abandoned, which is a continuation-in-part of Serial No. 684,054, filed December 20, 1984, now abandoned.

(b) An applicant may omit signing of the oath or declaration in a continuation or divisional application if (1) the prior application was a complete application as set forth in §1.51(a), (2) applicant files a true copy of the prior complete application as filed including the specification (including claims), drawings, *oath or declaration showing the signature or an indication it was signed*, and any amendments referred to in the oath or declaration filed to complete the prior application, and (3) the inventors named in the continuation or divisional application are the same or less than all the inventors named in the prior application. 37 C.F.R. § 1.60(b) (Rev. July 1, 1989) (emphasis added).

The '820 application included a true copy of the prior application in accordance with 37 C.F.R. § 1.60(b)(2), but as a result of an unavoidable and/or inadvertent error the Rule 60 request did not include a copy of the oath or declaration showing the signature, or an indication that it was signed. Instead, an unexecuted copy of the oath and declaration was included with the application. Applicants failure to file a copy of the executed oath or declaration or indicate that it was signed was inadvertent, unavoidable and inconsequential.

After the '820 application was filed, the PTO issued, on April 4, 1990, a "Notice of Incomplete Application Filed Pursuant to 37 C.F.R. 1.60" ("the Notice"), which stated that "the copy of the oath or declaration filed does not show applicant(s) signature or an indication on the oath or declaration that it was signed."³ The Notice further stated that "Any assertions that [the executed oath and declaration] were submitted *or are not necessary for a filing date* must be made by way of a petition directed to the attention of the office of

³ A copy of the Notice is attached hereto as Exhibit A.

the Assistant Commissioner for Patents," and that such petition must be accompanied by the required fee.

On June 21, 1990, the Applicants filed a response to the Notice which included: (a) a copy of the executed oath and declaration from parent application Serial No. 302,022, (b) a Petition which requested that the application be accorded the March 19, 1990 filing date⁴ and (c) the required fee. The Petition stated:

The above-identified application was previously handled by an outside law firm. However, such firm, with the agreement of the applicants, requested that the application be handled in-house. Because in-house counsel, the undersigned, is not yet familiar with the above-identified application and to preserve the rights of applicants, in-house counsel filed a continuation application in response to the outstanding office action. That continuation application was filed under 37 C.F.R. § 1.60, including a copy of the complete specification. However, the outside law firm did not provide to in-house counsel a copy of the declaration and assignment until April 19, 1990, after the continuation application was filed.

In view of the facts: (1) that an application (i.e., the complete specification) can be filed without declaration and still obtain the benefit of the actual filing date if the declaration is provided to the office within six (6) months, and (2) that a declaration is on file in the parent application file (i.e., S.N. 302,022 filed January 25, 1989), it is respectfully submitted that the filing date of the above-identified application be March 19, 1990, the actual filing date of the complete application.

The Petition was not acted on by the PTO, and the '167 patent issued from Serial No. 495,820 with an erroneous indication on its face that the filing date of Serial No.

⁴ A copy of the Petition is attached hereto as Exhibit B.

495,820 was June 21, 1990⁵. This failure to decide the Petition, which Applicants believe was sufficient to correct the filing date, was a clear PTO error.

**II. The Petition Filed During The Prosecution
Of The '167 Patent Should Be Granted**

**A. The '820 Application Fulfilled All Statutory
Requirements For Obtaining A Filing Date**

Although 37 C.F.R. § 1.60(b)(2) (1989) provided that the Applicant must file a true copy of the oath or declaration from the previous application showing the signature or an indication that it was signed, this was not a statutory requirement under Title 35 of the United States Code. The Rule 60 continuation application filed by applicants fulfilled all the

⁵ This is presumably the date that Applicants filed a copy of the executed oath and declaration which was already on file in the PTO in the parent application.

statutory requirements for obtaining a filing date under 35 U.S.C. § 111.⁶ The relevant sections of 35 U.S.C. § 111 which were in effect as of March 19, 1990 provide:

Application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Commissioner. Such application shall include (1) a specification as prescribed by section 112 of this title; (2) a drawing as prescribed by section 113 of this title; and (3) an oath by the applicant as prescribed by section 115 of this title. The application must be accompanied by the fee required by law. The fee and oath may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Commissioner. Upon failure to submit the fee and oath within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Commissioner that the delay in submitting the fee and oath was unavoidable. The filing date of an application shall be the date on which the specification and any

⁶ The statutory requirements of 35 U.S.C. § 111 are reiterated in 37 C.F.R. § 1.53. The relevant sections of 37 C.F.R. § 1.53 which were in effect on March 19, 1990 are as follows:

(b) The filing date of an application for patent is the date on which (1) a specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41. No new matter may be introduced into an application after its filing date (§ 1.118).

(d) If an application which has been accorded a filing date pursuant to paragraph (b) of this section does not include the appropriate filing fee or an oath or declaration by the applicant, applicant will be so notified, if a correspondence address has been provided and given a period of time within which to file the fee, oath or declaration and to pay the surcharge as set forth in § 1.16(e) in order to prevent abandonment of the application.

37 C.F.R. § 1.53 (Rev. July 1, 1989).

required drawing are received in the Patent and Trademark Office. (Amended August 27, 1982, Public Law 97-247, sec. 5, 96 Stat. 319.)

In accordance with 35 U.S.C. § 111, the '820 application as filed on March 19, 1990 contained a specification and claims prescribed by 35 U.S.C. § 112, an identification of the inventors and the application fee. Further, the application as filed cross-referenced the prior applications including Serial No. 302,022, which application contained a copy of the executed Oath and Declaration. Accordingly, Applicants' inadvertent and/or unavoidable failure to file, on March 19, 1990, a copy of the executed oath or declaration from the prior application showing the signature, and Applicants' inadvertent failure to indicate that the oath had been signed pursuant to 37 C.F.R. § 1.60(b) (1990) was not a violation of any statutory requirement under Title 35 of the United States Code. Clearly, if the '820 application had been filed as an application under 37 C.F.R. § 1.53, it would have been accorded the March 19, 1990 filing date.

In view of the above, Applicants are entitled to the March 19, 1990 filing date based upon the Petition filed during the '820 prosecution, which Petition should have been acted upon and granted by the PTO at the time it was filed.

**B. Applicants Complied With The PTO
Requirements For Disputing The
Incorrect Filing Date Accorded By The PTO**

As discussed above, the Notice of Incomplete Application mailed by the PTO expressly stated that any assertions that the executed oath and declaration were submitted or are not necessary for a filing date must be made by way of a petition directed to the attention

of the office of the Assistant Commissioner for Patents, and that such petition must be accompanied by the required fee. (Exhibit A). This is precisely what patentee did in response to the Notice. Applicants' timely filed Petition should not only have been acted upon by the PTO, but also should have been granted for the reasons stated in the original Petition and discussed herein.

**C. The Patent Rules Of Practice No Longer Require
a Continuation Application To Contain A Copy
Of The Executed Oath or Declaration**

Finally, Applicants wish to point out that 37 C.F.R. § 1.60 was revised in November of 1992 to eliminate the requirement that an application filed under Rule 60 contain a true copy of the oath or declaration filed in the prior application showing the signature or an indication that it was signed.⁷ In other words, Rule 60 was amended to conform to Rule 53, and to avoid the need for applicants to file a petition to request a filing date that they are entitled to under the statute 35 U.S.C. §111.

⁷ The relevant section of 37 C.F.R. § 1.60, as amended, provides:

(d) If an application filed pursuant to paragraph (b) of this section is otherwise complete, but does not include the appropriate filing fee or a true copy of the oath or declaration from the prior complete application, showing the signature or an indication it was signed, a filing date will be granted and applicant will be so notified and given a period of time within which to file the fee, or the true copy of the oath or declaration and to pay the surcharge as set forth in § 1.16(e) in order to prevent abandonment of the application. (37 C.F.R. § 1.60(d), July 1993).

III. Conclusion

Since the failure to decide the Petition, and resulting error in identifying the filing date of application Serial No. 495,820 is an error on the part of the PTO, no fee is believed to be due herewith. However, if the Patent Office determines that a fee is due, please charge the required fee to Boehringer Ingelheim's Deposit Account No. 02-2955. Furthermore, please charge any additional fees required in connection with this request, or credit any overpayments of same, to Boehringer Ingelheim's Deposit Account No. 02-2955.

A duplicate of this sheet is enclosed.

Respectfully submitted,

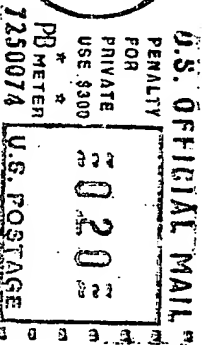
Dated: March 9, 1998

Mary Ellen M. Devlin 27,928
Mary-Ellen M. Devlin (Reg. No.)
Boehringer Ingelheim, Corporation
900 Ridgebury Road
P.O. Box 368
Ridgefield, Connecticut 06877
(203) 798-4866

5/861-1-C1

495,820-6.21.90

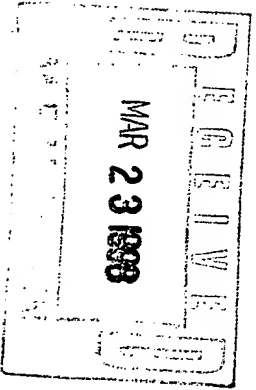
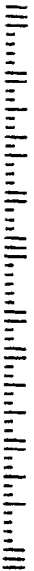
U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231 MAR 10 1998



A request for a Certificate of Correction has
been received for U.S. Patent 5,216,167



MARY-ELLEN M. DEVLIN
BOEHRINGER INGELHEIM, CORPORATION
900 RIDGEBURY RD.
P.O. BOX 368
RIDGEFIELD, CONNECTICUT 06877



FILE

FATENT NUMBER: 5216167 ISSUE DATE: 06/01/93
SERIAL NUMBER: 07/495820 FILING DATE: 06/21/90
RELATED PATENT NUMBERS: 5312924
TITLE: PHENYLACETIC ACID BENZYLAMIDES
APPLICANT: GRELL, WOLFGANG ; HURNAUS, RUDOLF ; GRISS, GERHART
 SAUTER, ROBERT ; REIFFEN, MANFRED
 RUPPRECHT, ECKHARD

REEL: 6404 FRAME: 0637 DATE RECORDED: 02/01/93 NUMBER OF PAGES: 003
ASSIGNOR: GRELL, WOLFGANG
 EXC DATE: 12/16/92
HURNAUS, RUDOLF
 EXC DATE: 12/16/92
GRISS, ELISABETH
 EXC DATE: 12/16/92
SAUTER, ROBERT
 EXC DATE: 12/16/92
REIFFEN, MANFRED
 EXC DATE: 12/16/92
RUPPRECHT, ECKHARD
 EXC DATE: 12/16/92

08/27/97 11:10

ASSIGNEE: DR. KARL THOMAE GMBH
 BIBERACH AN DER RISS, FED REP GERMANY

BRIEF:
ASSIGNMENT OF ASSIGNORS INTEREST.
RETURN ADDRESS: DR. DAVID E. FRANKHOUSER
 BOEHRINGER INGELHEIM CORPORATION
 900 RIDGEBURY ROAD, P.O. BOX 368
 RIDGEFIELD, CT 06877

REEL: 6811 FRAME: 0584 DATE RECORDED: 12/20/93 NUMBER OF PAGES: 003
ASSIGNOR: GRELL, WOLFGANG
 EXC DATE: 10/20/93
HURNAUS, RUDOLF
 EXC DATE: 10/19/93
GRISS, ELISABETH, EXCUTRIX OF THE ESTATE OF GERHART GRISS,

 EXC DATE: 10/23/93
SAUTER, ROBERT
 EXC DATE: 10/19/93

08/27/97 11:10

REIFFEN, MANFRED

EXC DATE: 10/20/93

RUPPRECHT, ECKHARD

EXC DATE: 11/11/93

ASSIGNEE: DR. KARL THOMAE GMBH

D-88397

BIBERACH, FEDERAL REPUBLIC OF GERMANY

BRIEF:

ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

RETURN ADDRESS: BOEHRINGER INGELHEIM CORPORATION

DR. DAVID E. FRANKHOUSER

900 RIDGEBURY ROAD, P.O. BOX 368

RIDGEFIELD, CT 06877

NO MORE INFORMATION FOR THIS PATENT NUMBER

08/27/97 11:10



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	077435, 020	FILING DATE	03/19/90	GRELL	FIRST NAMED APPLICANT	W	ATTY. DOCKET NO.	031111
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D. E. FRANKHOUSER
BOEHRINGER INGELHEIM CORP.
90 EAST RIDGE
RIDGEFIELD, CT 06877

000

DATE MAILED: 04/04/90



Notice of Incomplete Application Filed Pursuant to
37 CFR 1.60

A filing date has NOT been assigned since 37 CFR 1.60 has not been complied with for the reason(s) indicated below:

1. ☐ A copy of the specification (description and claims) filed in the parent application:
 - a. ☐ is missing.
 - b. ☐ has page(s) _____ missing.
 - c. ☐ has the description of the invention missing.
 - d. ☐ has claim(s) _____ missing.
2. ☐ A copy of the oath or declaration filed in the parent application is missing.
3. ☒ The copy of the oath or declaration filed does not show applicant(s) signature or an indication on the oath or declaration that it was signed.
4. ☐ A copy of the drawings as filed in the parent application is missing.
5. ☐ A copy of any amendments referred to in the oath or declaration filed to complete the parent application is missing.
6. ☐ A statement that the application papers filed are a true copy of the prior application and that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein is missing. Such statement must be by the applicant or applicant's attorney or agent and must be a verified statement if made by a person not registered to practice before the United States Patent and Trademark Office.
7. ☐ Other:

The filing date will be the date of receipt of the items required above unless otherwise indicated. Any assertions that the items required above were submitted or are not necessary for a filing date must be by way of a petition directed to the attention of the Office of the Assistant Commissioner for Patents. Any such petition must be accompanied by the \$140.00 petition fee (37 CFR 1.17(h)). If the petition alleges that no defect exists, a request for refund of the petition fee may be included in the petition.

All of the above-noted omissions must be submitted within TWO MONTHS of the date of this notice or the application will be returned upon request or otherwise disposed of.

Direct the response to, and questions about, this notice to the undersigned, Attention: Application Branch, and include the above Serial Number and Receipt Date.

Bertie Mason
For: Manager, Application Branch
17021 557 202



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : W. Grell et al.
Serial No. : 495,820 : Group:
Filed : : Ex.:
For : PHENYLACETIC ACID BENZYLAMIDES



Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231
Attn: Office of the Assistant
Commissioner for Patents

PETITION

Dear Sir:

Applicants' attorney hereby petitions the Commissioner that the filing date of the above-identified application be March 19, 1990.

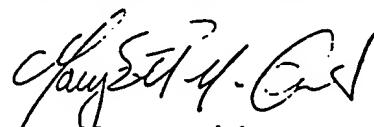
The above-identified application was previously handled by an outside law firm. However, such firm, with the agreement of the applicants, requested that the application be handled in-house. Because in-house counsel, the undersigned, is not yet that familiar with the above-identified application and to preserve the rights of applicants, in-house counsel filed a continuation application in response to the outstanding office action. That continuation application was filed under 37 CFR §1.60, including a copy of the complete specification. However, the outside law firm did not provide to in-house counsel a copy of the declaration and assignment until April 19, 1990, after the continuation application was filed.

In view of the facts: (1) that an application (i.e., the complete specification) can be filed without declaration and still obtain the benefit of the actual filing date if the declaration is provided to the office within six (6) months, and (2) that a declaration is on file in the parent

application file (i.e., S.N. 302,022 filed January 25, 1989), it is respectfully submitted that the filing date of the above-identified application be March 19, 1990, the actual filing date of the complete specification.

The Commissioner is hereby authorized to debit Deposit Account 02-2955 in the amount of \$140.00 to cover the cost of this petition. Any additional fees for this petition may also be debited to Deposit Account 02-2955. A duplicate copy of this petition is provided for the convenience of the Office.

Respectfully submitted,



Mary-Ellen M. Timbers

Registration No. 27,928

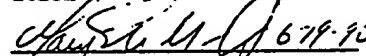
Patent Department
Boehringer Ingelheim Corporation
90 East Ridge, P.O. Box 368
Ridgefield, CT. 06877

Tel: (203) - 431 - 5916

Case No. : 5/891-1-C1

Date: June 19, 1990

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail addressed to Commissioner of Patents and Trademarks, Washington D.C. 20231


Mary-Ellen M. Timbers Date
Reg. No. 27,928



22.1-W/W

DECLARATION FOR PATENT APPLICATION

I, a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PHENYLACETIC ACID BENZYLAMIDES

Specification of which

is attached hereto.

X) was filed on January 25, 1989 as Application Serial No. 07/302,022 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

Foreign Priority Applications

I hereby claim foreign priority benefits under Title 35, United States Code 1.1 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

			Priority Claimed
			Yes (X) No ()
<u>33 47 565.2</u>	<u>Fed. Rep. of Germany</u>	<u>30 December 1983</u>	
(Number)	(Country)	(Day/Month/Year Filed)	
<u>35 22 604.8</u>	<u>Fed. Rep. of Germany</u>	<u>25 June 1985</u>	Yes (X) No ()
(Number)	(Country)	(Day/Month/Year Filed)	
<u>35 23 466.0</u>	<u>Fed. Rep. of Germany</u>	<u>1 July 1985</u>	Yes (X) No ()
(Number)	(Country)	(Day/Month/Year Filed)	

U.S. Priority Applications

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or CT international filing date of this application:

<u>684,054</u>	<u>December 20, 1984</u>	<u>abandoned</u>
Applic. Serial No.)	(Filing Date)	(Status-patented/pending/abandoned)
<u>872,706</u>	<u>June 10, 1986</u>	<u>abandoned</u>
Applic. Serial No.)	(Filing Date)	(Status-patented/pending/abandoned)
<u>878,921</u>	<u>June 26, 1986</u>	<u>abandoned</u>
Applic. Serial No.)	(Filing Date)	(Status-patented/pending/abandoned)

KRL- 22.1-WGW

Power of Attorney

hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Walter F. Felfe, Reg. No. 20,297; John E. Lynch, Reg. No. 20,940; Alfred H. Amingway, Jr., Reg. No. 26,736; Hallie R. Levie, Reg. No. 31,116; Vincent M. Mazzari, Reg. No. 26,879; Marius J. Jason, Reg. No. 27,805; Charles A. Blank, Reg. No. 17,419; Norman D. Hanson, Reg. No. 30,946; Thomas A. Beck, Reg. No. 20,816; Frederick H. Rabin, Reg. No. 24,488; Karl F. Milde, Jr., Reg. No. 11,822; Walter G. Weissenberger, Reg. No. 17,344; Regina A. Loughran, Reg. No. 10,958, my attorneys with full power of substitution and revocation. Address all telephone calls to Walter G. Weissenberger, Esq., at (212) 688-9200. Address all correspondence to:

FELFE & LYNCH
805 Third Avenue
New York, New York 10022

hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1) Wolfgang Grell

Full Name/Sole or First Inventor

Wolfgang Grell
Signature

3/8/1989
Date

Residence: Biberach, Fed.Rep. of Germany

German
Citizenship

Post Office Address: Amriswilstrasse 7
D-7950 Biberach 1, Fed.Rep. of Germany

2) Rudolf Hurnaus
Full Name/Second Joint Inventor

Rudolf Hurnaus
Signature

3-8-1989
Date

Residence: Biberach, Fed.Rep. of Germany

German
Citizenship

Post Office Address: Silcherstrasse 19
D-7950 Biberach 1, Fed.Rep. of Germany

3) Elisabeth Griss, Gerhart Griss, deceased
Full Name/Third Joint Inventor

Elisabeth Griss
Signature

3/9/1989
Date

Residence: Biberach, Fed.Rep. of Germany

German
Citizenship

Post Office Address: Schopperweg 1
D-7950 Biberach 1, Fed.Rep. of Germany

KK 7 22.1.89

12020
5) Robert Sauter *R. Sauter* 8/8/89
Full Name/Fourth Joint Inventor Signature Date

Residence: Laupheim, Fed. Rep. of Germany German
Citizenship

Post Office Address: Albert-Schweitzer-Weg 9
D-7958 Laupheim, Fed. Rep. of Germany

6) Manfred Reiffen *Manfred Reiffen* 8.3.89
Full Name/Fifth Joint Inventor Signature Date

Residence: Biberach, Fed. Rep. of Germany German
Citizenship

Post Office Address: Matthias-Erzberger-Strasse 40
D-7950 Biberach 1, Fed. Rep. of Germany

7) Eckhard Rupprecht *Eckhard Rupprecht* 8.3.89
Full Name/Sixth Joint Inventor Signature Date

Residence: Aulendorf-Tannhausen German
Fed. Rep. of Germany Citizenship

Post Office Address: Riedbachstrasse 15
D-7960 Aulendorf-Tannhausen, Fed. Rep. of Germany

(7) _____ Signature Date
Full Name/Seventh Joint Inventor

Residence: _____ Citizenship

Post Office Address: _____



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: W. Grell et al.

Serial No. : 495,820) Group :
Filed :) Examiner :
: PHENYLACETIC ACID BENZYLAMIDES



Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

PETITION UNDER 37 CFR 1.136(a) FOR EXTENSION OF TIME

Sir:

Applicants hereby request that the time for responding to
the [X] Office [] Final Action dated April 4, 1990
be extended pursuant to 37 CFR 1.136(a) for:

(X) one month (\$62) () three months (\$430)
() two months (\$180) () four months (\$680)

to: July 4, 1990

The fee set in 37 CFR 1.17 for this extension of time is
\$62.00.

() Fee enclosed
(X) Charge fee to Deposit Account No. 02-2955.
(X) Charge any additional fee required for this
extension of time to Deposit Account No. 02-2955. JUL 11 1990

A duplicate copy of this paper is enclosed.

APPLICATION DIVISION

Also enclosed is a:

(X) Petition () Notice of Appeal () Appeal Brief
() _____

Respectfully submitted,

Mary-Allen M. Timbers
Reg. No. 27,928

Patent Department
Boehringer Ingelheim Corporation
90 East Ridge, P.O. Box 368
Ridgefield, CT. 06877

Tel: (203) - 431 - 5916
Case No. : 5/891-1-Cl

Date: June 19, 1990

I hereby certify that this
paper is being deposited with
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